IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2412 OF 2005
IN
CRIMINAL APPEAL NO. 341 OF 2005

Taj khan @ Babloo Ass Mohamed Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms. Pooja Bhojane, Advocate for Applicant

Mr. D.P. Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 28TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicant has been convicted under Sections 451, 392, 397 r.w. 34 of I.P.C. and sentenced seven years of R.I. During the pendency of his appeal the applicant has preferred this application for bail.

3. On 21.1.2003 the applicant alongwith other accused entered into the office of Anil Electrical Company and committed robbery at the point of deadly weapon i.e. choppers. P.W.1 Brijeshchandra Pandey and P.W.2 Yogesh Shinde who were working in Anil Electrical Company as Accountants have identified the

applicant in the T.I. parade as well as before the Court. There is recovery of gold chain (Article 4) at the instance of the applicant. So also the chopper used in the incident has been recovered at the instance of the applicant. These articles have been identified by the witnesses.

4. The learned advocate for the applicant has submitted that there is a delay of 18 days in holding the T.I. parade so also there are some lapses in holding the T.I. parade. Looking to the evidence on record, I find that much importance cannot be given to this aspect. Moreover it is seen that the applicant is also involved in another case of similar nature i.e. C.R. No.202 of 2002 registered with D.B. Marg police station. The said case is also under Section 395 and 397 of I.P.C.. In the said case the applicant has been convicted and he is undergoing imprisonment.

5. Looking to all these aspects, I do not think that this is a fit case to grant bail. Application is rejected.

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